

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

PRAMCO CV9, LLC

PLAINTIFF

VS.

**ROBERTO KUTCHER OLIVO
AND HIS WIFE FLOR DIAZ FONTAN
AND THEIR CONJUGAL PARTNERSHIP**

DEFENDANTS

* CASE NO. 08-1857 (JAG)

* CIVIL ACTION

* RE: COLLECTION OF MONIES
AND FORECLOSURE OF MORTGAGE

* * * * *

A M E N D E D C O M P L A I N T

TO THE HONORABLE COURT:

Plaintiff, through its undersigned attorneys, for its cause of action respectfully alleges as follows:

Jurisdiction and Venue

1. This is a foreclosure of mortgage action based on Defendants' non-compliance with the terms and conditions of a loan and a mortgage deed for Defendants' obligation for an amount of THIRTY THOUSAND DOLLARS (\$30,000.00) executed on August 31, 2005, by defendants **ROBERTO KUTCHER OLIVO AND HIS WIFE FLOR DIAZ FONTAN AND THEIR CONJUGAL PARTNERSHIP**, hereinafter referred as defendants.

2. Jurisdiction of this Court lies in diversity of

citizenship, and the amount in controversy exceeds, exclusive of interests and costs, the sum of \$75,000.00 (28 U.S.C. §1332).

3. **PRAMCO CV9, LLC** (Plaintiff) is a corporation organized and existing under the laws of the State of Delaware, having its principal office in the State of New York.

4. Defendants are citizens and residents of San Juan, Puerto Rico.

Facts

5. On August 31, 2005, Defendants executed a mortgage note to the order of R&G Mortgage Corporation in the amount of SIX HUNDRED THIRTY THOUSAND DOLLARS (\$630,000.00).

6. On August 31, 2005 defendants executed a mortgage, in favor of R&G Mortgage Corporation encumbering property No. 17,773 (El Legado Condominium Regime I, Apartment 222) of Guayama, of the Guayama Registry Section of Property of Puerto Rico, in the amount of \$630,000.00, in which Defendants own 100%.

7. Plaintiff is the owner and holder of the mortgage note of \$630,000.00; Plaintiff purchased the loan from R&G Mortgage Corporation on September 28th, 2007.

8. As of June 6, 2008, Defendants, jointly and severally, owed Plaintiff the amount of \$644,060.83, (principal of \$613,685.32, interests of \$29,405.76, late charges of \$969.75), plus stipulated costs and attorney's fees of \$63,000.00.

9. Defendants are the owners of the mortgaged property, according to the Registry of Property and Plaintiff's best knowledge and belief.

WHEREFORE, Plaintiff demands judgment as follows:

(a) As of June 6, 2008, Defendants, jointly and severally, owed Plaintiff the amount of \$644,060.83, which debt keeps accruing interest, late charges, and any other advances made by Plaintiff.

(b) Or in default thereof and execution of judgment, that the real property described in paragraph 6 above be sold at public auction and that the money due to Plaintiff be paid from the proceeds of sale.

In San Juan, Puerto Rico, this 26th day of August 2008.

Sergio Ramirez de Arellano

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